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2 sergeant, were you calling out for a  
3 specific sergeant or just calling a  
sergeant?

A. Yes, just calling a sergeant.

6 Q. Did Lieutenant Hayes say  
7 anything else to you other than what you've  
8 already told us?

9 A. No.

10 Q. Other than Lieutenant Hayes and  
11 the other police officers that we've talked  
12 about, did you have any conversation or did  
13 any other police officer speak to you during  
14 this time?

15 A. Oh, during this time, no, no.

16 Q. You are suing several  
17 individual police officers in this case,  
18 right, that you've named several individual  
19 police officers?

20 A. Yes.

21 Q. Why are you suing Officer  
22 D'Allesandro?

23 MR. YOUNG: Why is he suing? I  
24 put together the pleadings. He did  
25 not put together the pleadings. I

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2 can tell you why we're suing Officer  
3 D'Allesandro.

4 MS. SHERVEN: With all due  
5 respect, you're not here for a  
6 deposition. I'm sure that Mr. Gomez  
7 can tell us why he believes he's  
8 suing Officer D'Allesandro or any of  
9 the other individuals.

10 Q. What are you alleging that  
11 Officer D'Allesandro did in this case?

12 A. Well, from what I --

13 MR. YOUNG: I know maybe more  
14 than you know, so you can give them  
15 to the extent that you know.

16 A. From what I can understand  
17 everything was put together by my Counsel,  
18 and I don't know specifically say anything  
19 about Officer D'Allesandro. But the one  
20 that really --

21 MR. YOUNG: -- she's just  
22 asking D'Allesandro not. She'll go  
23 one by one.

24 THE WITNESS: Okay.

25 Q. Did you review the Complaint or

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2 read the Complaint that your attorney put  
3 together in this case at any time?

4 A. Yes, I believe I did, right,  
5 yes.

6 Q. Well, why do you believe that  
7 Officer D'Allesandro is named in this case?

8 MR. YOUNG: I know why. She's  
9 asking you.

10 A. Okay, I guess it was through  
11 the description of my Counsel to put, advice  
12 of my Counsel's to.

13 Q. I'm not asking you about any  
14 conversations that you had with your  
15 attorney. So I'm not asking about any  
16 privileged conversations with your attorney  
17 I'm just asking you. It's not a trick  
18 question. I'm just asking you.

19 A. I'm trying to come up with a  
20 good answer.

21 Q. Why? What do you believe that  
22 Officer D'Allesandro did wrong in this case,  
23 maybe, that's a better way of asking it?  
24 I'm just trying to find out why he's  
25 personally name?

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2 A. No. I don't believe he did  
3 anything wrong actually, no.

4 Q. You've also sued or named in  
5 this case Lieutenant Barry Campbell. Why do  
6 you believe that he is named in this  
7 lawsuit? Why are you suing him?

8 A. Well, Lieutenant Barry Campbell  
9 was the officer assigned on the next shift,  
10 which is the one that was that was the  
11 morning shift. And Lieutenant Barry  
12 Campbell was aware of the situation between  
13 my daughter and Detective Quinoy. He was  
14 not there during the incident, he was not  
15 there for the incident.

16 Q. Did you see Lieutenant Campbell  
17 at any time from the time that you arrived  
18 at the police station until the time you  
19 were taken to the hospital?

20 A. No, not at that time. Later.

21 Q. Later, when you came back from  
22 the hospital; is that what you're inferring?

23 A. You want me to keep answering.  
24 I saw him the next morning when I was going  
25 to bring -- they were taking me to the jail,

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1 to the County.

2 Q. You didn't see him at all until  
3 that point in time; is that right?

4 A. Right.

5 Q. Did you hear his voice at any  
6 time, or have any reason to believe that he  
7 was at the police station?

8 A. That night during?

9 Q. Right.

10 A. No. No.

11 Q. Well, what do you believe that  
12 Lieutenant Campbell did wrong?

13 A. Can I ask him a question?

14 Q. No. There's a question  
15 pending.

16 A. I'm sorry. Well, Lieutenant  
17 Campbell actually didn't do anything wrong,  
18 but he knows of the situation between my  
19 daughter and Detective Quinoy, which he is a  
20 married man, put him in a position of being  
21 liable for in the case.

22 Q. Well, what do you believe that  
23 he knew about the situation with your  
24 daughter and Detective Quinoy?

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1 A. No. He knew they were going  
2 out. That's pretty much it.

3 Q. Had you had some conversation  
4 with Lieutenant Campbell before you were  
5 arrested that leads you to believe that he  
6 knew something?

7 A. Well, also to be honest with  
8 you, there was quite a few people that came  
9 forward, because they did the investigation  
10 at the beginning of the case back in  
11 October, and there was a witness that came  
12 forward and told Lieutenant Barry Campbell  
13 that she saw when Detective Quinoy kicked me  
14 in my face when I was sitting down cuffed  
15 already in the patrol car.

16 When my criminal court attorney  
17 did the open file discovery, the name of  
18 that lady did not appear in what the police  
19 presented, so her name was taken out.

20 It was Lieutenant Campbell was  
21 responsible for that investigation. That  
22 name shouldn't have been taken out.

23 MS. SHERVEN: Let me move to  
24 strike the portions that were  
25

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1 nonresponsive to the question.

2 MR. YOUNG: Well, I think it  
3 is. Off the record.

4 (Off-the-record discussion.)

5 Q. Just so I'm clear because I  
6 don't think you answered my last question  
7 specifically. Did you have some  
8 conversation with Lieutenant Campbell which  
9 leads you to believe that he knew something  
10 about the relationship or between Detective  
11 Quinoy and your daughter?

12 A. Yes. Right before I was being  
13 transported, I saw a little bit before, I  
14 think it was either before I saw the Judge  
15 that morning or after. I was already  
16 shackled up, and I was waiting to get  
17 transported to the jail. He came to the  
18 printing room, which I was sitting there,  
19 and he asked me, hey, Mario, what happened.

20 I said, Barry, this is what  
21 happened. I give him a brief rundown of the  
22 situation with Quinoy. He said, Mario, what  
23 are you talking about? I used to see them  
24 together all the time. They look so  
25

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1 innocent together. That was his answer.

2 After that, he left. He said I  
3 be back. He never came back. I never saw  
4 him again.

5 Q. I'm going to stop you there.  
6 Other than that conversation with Lieutenant  
7 Campbell, did you have some conversation  
8 with him before you were arrested that leads  
9 you to believe that he knew anything about  
10 your daughter and Detective Quinoy?

11 A. No. No.

12 Q. Is that the only conversation  
13 that you had with Lieutenant Campbell that  
14 leads you to believe that he knew something  
15 about your daughter and Detective Quinoy?

16 A. Yes.

17 Q. Now, you mentioned an  
18 investigation. Is it your understanding  
19 that Lieutenant Campbell was somehow  
20 involved in an internal or a Police  
21 Department investigation?

22 A. Yes. He was assigned the  
23 investigation. And he called my -- after I  
24 came out from jail, and he called my house  
25

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1 quite a few times for me to come and give  
2 statement in the Police Department.

3 Q. During those occasions that he  
4 called your house, did you actually speak  
5 with him, or did he leave messages?

6 A. He left messages. I was  
7 already under the instruction by my attorney  
8 not to respond to his call.

9 Q. You're referring to your  
10 criminal court attorney?

11 A. Yes.

12 Q. Which attorney was that at that  
13 time?

14 A. I remember my wife's attorney.  
15 I can't remember my attorney.

16 Q. You're currently represented by  
17 Angel Perez; is that correct?

18 A. Yes.

19 Q. And it was not --

20 A. -- no, it was not Angel at the  
21 beginning, no.

22 Q. At any point in time did you  
23 return a phone call from one of the messages  
24 that Lieutenant Campbell left?

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1 A. No.

2 Q. Did your wife do so?

3 A. No. I don't think so, no.

4 Q. At any point in time did you  
5 speak with Lieutenant Campbell other than  
6 what you already told us about before you  
7 went to see the Judge about the facts of  
8 this case?

9 A. No.

10 Q. Is there any other reason other  
11 than what you've just told us about  
12 Lieutenant Campbell or any other reasons why  
13 you believe that he is named in this  
14 lawsuit?

15 A. No, that's it.

16 Q. Now, you've also named a  
17 Lieutenant Gabriel Hayes, Michael Hayes'  
18 father, correct?

19 A. Yes.

20 Q. What do you believe that  
21 Lieutenant Hayes did wrong?

22 A. Actually, I don't know if he  
23 did anything wrong. I'm not sure, you know.

24 Q. Well, other than when you saw  
25

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1 him I guess during the booking process, did  
2 you see him any other time that night?

3 A. No.

4 Q. You also named Sergeant Wood,  
5 is that actually Sergeant Hood?

6 A. Hood, yes.

7 Q. Do you know Sergeant Hood?

8 A. Personally?

9 Q. Personally.

10 A. No.

11 Q. Would you recognize him?

12 A. Sure.

13 Q. Did you see Sergeant Hood at  
14 all the night of your arrest?

15 A. Yes.

16 Q. When did you see him?

17 A. Inside the precinct, inside the  
18 station.

19 Q. Did you see him at all outside  
20 of the police station?

21 A. No.

22 Q. Did you have any conversation  
23 with Sergeant Hood when you were inside the  
24 police station?

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1 A. Yes, I believe that I can't  
2 remember what, but I did spoke to him a few  
3 times.

4 Q. Can you remember generally what  
5 your conversations were with him?

6 A. It was generally that one time  
7 he was passing by and, you know, I was  
8 waiting to get transported, and one of my  
9 cuffs was really -- I couldn't. I was going  
10 to lose -- I lost all circulation on how  
11 tight it was.

12 MR. YOUNG: Indicating on the  
13 right wrist.

14 A. Yes. And I said, Sergeant. I  
15 saw him walking around. Please, can you  
16 have somebody loosen my cuff? Yes, a little  
17 bit. I know what happened. Yes, I  
18 understand, but I'm going to lose my fingers  
19 or something. That's what I told him.

20 Q. Did he respond to you in any  
21 way?

22 A. No. He kept walking. I mean  
23 he was busy, but he didn't, like, so, now,  
24 sometimes you look. You continue what  
25

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2 you're doing. That's pretty much it.

3 Q. Did he give you any indication  
4 that he had heard you?

5 A. No, not that I know.

6 Q. Did you say anything else to  
7 him?

8 A. No. I know I spoke to him. I  
9 don't know. I can't remember when I was  
10 being transported or some of the questions.  
11 I can't remember what question he asked him,  
12 but he asked me but he asked me some type of  
13 question, and I answered him.

14 Q. Just so we're clear, when was  
15 this that you saw Sergeant Hood; was this  
16 before or after you were taken to the  
17 hospital?

18 A. Before and after. He was  
19 there, yes.

20 Q. What do you believe that  
21 Sergeant Hood did wrong?

22 A. Well, I believe Sergeant  
23 Hood --

24 MR. YOUNG: -- other than what  
25 he's already testified to.

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2 A. Sergeant Hood being that he was  
3 one of the sergeants in charge of the shift  
4 failed to come out and see that he  
5 supervised his officers as to what happened  
6 and tell them to stop. There's a certain  
7 point that they have to come and stop, and  
8 you know when you're making an arrest.

9 Q. What leads you to believe that  
10 he was the sergeant in charge that night?

11 A. From what.

12 MR. YOUNG: -- can you just go  
13 back to his answer. Did he use that  
14 term "sergeant in charge"?

15 THE WITNESS: Yes, I shouldn't  
16 say that.

17 MR. YOUNG: Because he also  
18 used the word "supervise". I just  
19 want to make sure.

20 (Whereupon, the reporter read  
21 back the requested material.)

22 Q. Do you remember the question?

23 A. Yes. So, you want me to keep  
24 answering?

25 Q. What leads you to believe that

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2 he was a sergeant in charge?

3 A. Also, there was the part when  
4 my wife was come back from the hospital, she  
5 got arrested. Detective Quinoy came out and  
6 arrested her. And during the time that she  
7 was getting printed and booked in and being  
8 asked all the questions in Detective  
9 Quinoy's office, my daughter came in asking  
10 Sergeant Hood, do you know where my mom is.  
11 And he said, no, I have no idea. And she  
12 said I hope you guys didn't get arrested,  
13 because that would be the icing on the cake.

14 And he also knew that she was  
15 arrested, and he was lying to my daughter  
16 giving her the wrong information. He should  
17 have said, yes, your mom got arrested.  
18 That's it.

19 MS. SHERVEN: I move to strike  
20 that as nonresponsive.

21 A. Well, I'm giving you one more  
22 of the things that I believe.

23 Q. I'm just trying to get to why  
24 do you believe that he was in charge that  
25 night or a sergeant in charge?

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2 A. One of the supervisors?

3 Q. Yes, yes, one of the  
4 supervisors or sergeants.

5 A. Because I believe that he was  
6 there during the time of the arrest, the  
7 incident was happening outside.

8 Q. But you didn't see him outside  
9 during the incident?

10 A. No. No.

11 Q. Did anyone ever tell you that  
12 he was, I don't know a supervising sergeant?

13 A. I believe my wife did, yes.

14 Q. How did your wife come to learn  
15 that Sergeant Hood was the supervising  
16 officer that night?

17 A. Because she went three times  
18 into the main station when they have the  
19 glass and the officers ask you the questions  
20 outside. And she saw the sergeant and the  
21 other officer there.

22 Q. Do you believe that Sergeant  
23 Hood did anything else wrong?

24 A. No. No. No.

25 Q. Now, you've also named in this

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lawsuit the Chief of Police Jimmy Warren.  
What do you believe that he did wrong?

A. I believe that this situation, this whole situation that happened not only mine but a lot of things in the Village of Sleepy Hollow due to the lack of supervision by the Chief of Police. He's definitely responsibility to what happened to me and my family.

Q. What do you believe that he did wrong, though?

A. Well, he was not there, but he was in the hospital with Detective Quinoy during the time that Detective Quinoy was getting treatment.

Q. Were you finished with your answer or?

A. Well, I was waiting for you to keep going. You want me to continue in the same answer everything that I know?

Q. If you have something else to add, then go ahead. But I'm asking you specifically what you believe that the Chief of Police, Chief Warren, what he did wrong?

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MR. YOUNG: Because I know where this is going. Let me try and make it as easy as possible. Why don't you start going back chronologically by the high school. I think that's the earliest one.

MS. SHERVEN: For the record, though, I don't appreciate that you're coaching the Witness.

MR. YOUNG: I'm not coaching.

A. Then I will do -- you want the whole answer. It might take a little while.

Q. I'm just going to ask you then we'll followup to this?

A. To Jimmy Warren?

Q. I'm asking you about Chief Warren, you know Chief Warren, correct?

A. Yes.

Q. Was he physically present at all during any of the incident that you've described with the police during your arrest, anything, did you see him?

A. He was in the hospital.

Q. But I'm not asking about the

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hospital.

A. No, no, no, not during the arrest or the incident, no, he was not. I didn't see him at all, no.

Q. Would you recognize Chief Warren's voice if you heard it?

A. Yes.

Q. Did you hear his voice at all while you were at the police station?

A. I was all the way at the end. There was a lot of people coming in and out. There was Tarrytown Police came in, and he had to be there. I know he was there.

Q. How do you know that he was there?

A. I'm assuming that he was there.

Q. Okay. You told us earlier that you had heard Lieutenant Hayes' voice. Did you hear Chief Warren's voice at any point in time during the time you were in the precinct?

A. I'm pretty much I believe that I heard his voice. I'm not sure if it was his voice. I'm pretty sure.

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MR. YOUNG: Don't guess.

A. Don't guess. No, okay. Sorry.

MR. YOUNG: Can I just take a twenty-second break.

(Whereupon, a recess was taken.)

Q. I'm not clear on your last answer. Just so we're clear and the record is clear because I think it was a little jumbled. Did you hear Chief Warren's voice at all while you were at the police station?

A. No, not that I can recall.

Q. Now, you said that you know he was at the hospital?

A. Yes.

Q. Did you actually see Chief Warren at the hospital?

A. No. My wife saw him.

Q. Did your wife have any conversation with Chief Warren while at the hospital, and referring to Phelps Hospital, right?

A. Yes.

Q. Did your wife have any



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conversation with him then?

A. She did call him twice, Jimmy, Jimmy because he knows her also. And can I talk to you one minute, please. I want to say something to you. He went like this with the hand.

MR. YOUNG: Motioning away.

A. Motioning away, pushing, okay. Never came to even say a word to see what was happening.

Q. Did your wife tell you if she saw Chief Warren at all any other time that night?

A. Any other time?

Q. Any other time.

A. No.

Q. So, just that one time?

A. Yes.

Q. Did any other member of your family try to talk to Chief Warren that night?

A. No, not that I can remember.

No. I don't know if my daughter was trying.

I don't know. No, she was not there during

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the incident, so she was --

Q. Now, you've named Chief Warren individually or personally. What do you think that he did wrong?

A. It all starts way before my incident, and due to the situation that Chief Warren was in the back of the Sleepy Hollow High School in his car with his girlfriend, okay.

Q. What's his girlfriend's name?

A. I don't know because he's married, and his wife is a sergeant in the County Corrections. And this is one of the most simple I think that is definitely that is related to Detective Quinoy. And the custodian heard her yelling and screaming. She was kicking the car, crashing Jimmy.

Q. The custodian you said?

A. The custodian of the high school. He called the police. I mean Police Officer Quinoy responded to the incident. After that, everything was taken care of, and nothing was done about it. Everything was quiet. A little bit after

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that, Police Officer Quinoy was promoted to Detective Quinoy.

Q. When was this?

A. Oh, that's a few years back.

Q. Can you approximate for me how many years?

A. Say, three years, three or four years, three years ago.

Q. 2005?

A. So, 2005, 2004, around there.

Q. What was the custodian's name?

A. I have no idea.

Q. Did you personally speak with the custodian?

A. No. I was given this information by friends.

Q. Who gave you this information?

A. I heard that from around town actually, you know.

Q. Well, who specifically told you; what was the person or persons' names?

A. You know, the whole town knows what's going on, so, basically.

Q. I'm not asking you what anyone

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else knows. I'm asking you who told you this information?

MR. YOUNG: Or any of the individuals.

Q. Or any of the individuals.

A. Right, that gave me the information. I can't remember now. I'm sorry.

Q. Were any of the individuals that told you this information members of the police department, of the Sleepy Hollow Police Department?

MS. SHERVEN: Let the record reflect the Witness, that the Plaintiff is looking at his Counsel for direction, and Counsel is nodding his head. He's not saying anything, but he's nodding his head.

A. Yes.

Q. Which members of the Sleepy Hollow Police Department told you this?

A. Honestly, Counsel, it was quite a few years back, and I have all the things to tell you about Jimmy Warren. I think

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1 we're spending a little time on this. I  
2 can't remember exactly what member told me.

MR. YOUNG: Excuse me I know a  
question is pending. Come outside.

(Whereupon, a discussion was  
held off the record outside of the  
room.)

MS. SHERVEN: Note my objection  
for the record that the Witness and  
his attorney left the room while a  
question was pending.

Q. Now, that you've had time to  
consult with your attorney, would you like  
to change your testimony in any way  
concerning the previous question?

MR. YOUNG: Or add to your  
testimony.

A. Yes.

Q. What would you like to add or  
change?

A. Well, I remember now that where  
I get my information.

Q. Okay. Where did you get your  
information?

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A. The incident in the parking  
lot?

Q. The incident in the parking  
lot.

A. Yes.

Q. Do you believe that there is  
some connection between this incident and  
from what you said earlier Detective Quinoy  
being promoted?

A. Yes, definitely. And it's  
quite a few more incidents.

Q. We're just talking about this  
one right now. I'll followup with other  
incidents.

A. Okay.

Q. Why do you believe that this  
incident has any connection to Detective  
Quinoy being promoted?

A. Well, I believe in my opinion,  
and I don't know what type of one hand  
washes the other is --

Q. Regarding a promotion, are you  
referring from police officer to detective  
or something else?

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A. Well, my friend told me about  
it.

Q. Which friend?

A. Joe.

Q. What's Joe's last name?

A. Cotarelo C-O-T-A-R-E-L-O.

Q. Is Mr. Cotarelo employed by the  
Sleepy Hollow Police Department?

A. Yes.

Q. Is he presently employed as far  
as you know?

A. Yes.

Q. And he was as of the time you  
learned this information?

A. Yes.

Q. How do you know Mr. Cotarelo?

A. Well, we grew up together.

Q. What did Mr. Cotarelo or  
Officer Cotarelo tell you about this  
incident involving Chief Warren?

A. He just told me a story about  
as to what happened.

Q. That would be essentially what  
you had told us earlier?

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A. Yes, from police officer to  
detective. And quite a few more other  
things that happened then.

Q. What are these other things  
that happened? Again, we're talking  
specifically --

A. About Jimmy Warren.

Q. -- so, we don't go too far off  
left field here, as you to what you believe  
Chief Warren did wrong as to why he's  
personally named in this lawsuit, okay.

A. Okay.

Q. What other incidents are you  
referring to?

A. I'm referring to the incident  
of the -- there was a lady in Sleepy Hollow  
that went wrote a statement and gave it to  
Chief Warren and the detective, and Chief  
Warren was aware about Quinoy, Detective  
Quinoy sexually harassing her, and he never  
did anything about it, okay.

After the lady made the threat  
that she was going to come to the County, I  
guess he talked to Quinoy and Quinoy

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1 stopped.  
2  
3 Q. Are you finished with that  
incident? Were you just going to move onto  
something else.

6 A. No. I'm finished with that  
7 incident.

8 Q. I'm going to stop after each  
9 incident, okay. That way I can make sure  
10 that we have all the information that we  
11 need. Who is this woman that you're  
12 referring to?

13 A. Her name was -- well, she  
14 passed away, you know. She was very fairly  
15 young, and about a year ago, a year and a  
16 half ago. This incident happened two, three  
17 years ago.

18 Q. This incident that you're  
19 talking about involving a woman in Sleepy  
20 Hollow happened two or three years ago?

21 A. Yes, three or four years ago I  
22 would say, you know.

23 Q. What was that woman's name?

24 A. Anna I believe it's Barreo  
25 B-A-R-R-E-O, something like -- I'm pretty

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2 sure it's that way. There has been quite a  
3 few other arrests and excessive use of  
4 force.

5 MR. YOUNG: We'll get to it.  
6 One at a time.

7 Q. How did you learn this  
8 information involving this woman Ms. Barreo?

9 A. Oh, that was from one of the  
10 guys. She was from the Dominican Republic.  
11 And one of the guys then was my friend, and  
12 when I go by Beekman Avenue, there's a lot  
13 of people live there from the Dominican  
14 Republic, I came to know that information.

15 Q. So, you learned this from a  
16 friend?

17 A. Yes.

18 Q. Who's from the Dominican  
19 Republic, the same as Miss Barreo?

20 A. Yes.

21 Q. How does this incident that  
22 you're describing with Detective Quinoy and  
23 Miss Barreo relate to your case?

24 A. It relates that when Detective  
25 Quinoy. There was also --

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2 MR. YOUNG: Forget all the  
3 other stuff. How do you think --  
4 this is not really a question for  
5 you. It's a question for me. But  
6 since she's asking you it, I'll let  
7 you answer it. How do you think  
8 that's relevant to your claim?

9 A. I think all these things that  
10 have been going on Chief Warren covering it  
11 for Detective Quinoy has allowed Detective  
12 Quinoy to do his job with impunity, and do  
13 whatever he wants around the Village with  
14 nothing, no question being asked. And  
15 that's the reason that I think Jimmy Warren  
16 is very responsible for everything that has  
17 been going. Not only with my incident, with  
18 a lot of other incidents in the Village of  
19 Sleepy Hollow.

20 Q. What other incidents are you  
21 referring to?

22 A. There was a case when different  
23 arrests. He falsely arrest a guy. The guy  
24 got -- beat the case. Got cut loose. And a  
25 couple of months down the line, he waited.

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2 The guy got into some problems with two of  
3 the guys from Greenburgh. He let the other  
4 two guys from Greenburgh go, and he arrested  
5 him to get back at him.

6 Q. Let me stop you there. Who is  
7 the he that you're referring to?

8 A. I left my --

9 MR. YOUNG: We can leave a  
10 blank in the transcript.

11 A. Yeah.

12 Q. You mean. I'm confused because  
13 you were saying "he". Were you referring to  
14 --

15 A. -- the guy who was falsely  
16 arrested.

17 Q. Do you know the individual's  
18 name who you're saying was falsely arrested?

19 A. Yes. I just didn't bring it  
20 with me. I just didn't know that this was  
21 going to come out.

22 Q. We'll leave a blank in the  
23 transcript then for you to fill in that  
24 information?

25 A.



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M. GOMEZ

1 Q. Who was the police officer that  
2 you believe falsely arrested this man?

3 A. Oh, Detective Quinoy.

4 Q. How did you learn this  
5 information?

6 A. Also from people after this  
7 incident happened, a lot of people had come  
8 forward in the Village. Nothing to do with  
9 the Sleepy Hollow Police Department, and  
10 they had given me the information that I  
11 know here's what happened. Here's what I  
12 know, and they are willing to come forward  
13 and give this side of the story, also.

14 Q. When did you learn this  
15 information?

16 A. Well, about six, seven months  
17 ago, eight months ago. It's been a while  
18 ago.

19 Q. It was sometime after you were  
20 arrested?

21 A. Yes. Everything is mainly  
22 after.

23 Q. Who are these individuals that  
24 you're saying are willing to come forward?  
25

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M. GOMEZ

1 A. Well, their people that I'm  
2 going to give you names, right.

3 Q. Yes. The individuals, what are  
4 their names?

5 A. There was another case --

6 Q. No. I'm asking you  
7 specifically what were these individuals  
8 that you had said are willing to come  
9 forward, what are their names?

10 MR. YOUNG: Are these the  
11 victims talking about that are  
12 willing to come forward?

13 Q. I believe my understanding was  
14 that you just said that these individuals  
15 who were willing to come forward, that these  
16 were people that were aware of these false  
17 arrests incidents that you were just telling  
18 us about, right?

19 A. Yes.

20 Q. But you don't know any of those  
21 individuals who you say are willing to come  
22 forward? You don't know their names?

23 A. Oh, the guy, he came forward  
24 and told me that. I'm not really a personal  
25

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M. GOMEZ

1 friend of his, you know. And the other guy  
2 who got arrested and Quinoy broke his wrist.

3 Q. I'm going to stop you there.  
4 We're going to come back to that. But we're  
5 talking about just this incident or this  
6 thing that you've been telling us about  
7 involving a man, whose name you don't  
8 remember and Detective Quinoy.

9 Are there individuals who saw  
10 something that and that are willing to come  
11 forward about that man?

12 A. Wait a minute.

13 Q. You said earlier that there  
14 were individuals who were willing to come  
15 forward. Are you talking about people who  
16 have had their own involvement with  
17 Detective Quinoy?

18 A. Yes.

19 Q. Or let me finish my question,  
20 or you talking about individuals who  
21 witnessed something specific concerning this  
22 arrest that you've just told us about?

23 A. Both. People had prior  
24 incidents with Detective Quinoy.  
25

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M. GOMEZ

1 Q. We're going to come back to  
2 that. Who are those people that you say  
3 were witnesses to this specific incident  
4 involving the man whose name you don't  
5 remember, who you said was falsely arrested  
6 and Detective Quinoy.

7 A. Debra Lynn was one.

8 Q. I'm sorry?

9 A. Debra Lynn.

10 Q. Do you know how to spell her  
11 name?

12 A. Debra D-E-B-R-A. Lynn is  
13 L-Y-N-N.

14 Q. Where does she live?

15 A. She was she had a dance studio  
16 across the street. She's the one that made  
17 the statement.

18 Q. Does she live or work in Sleepy  
19 Hollow?

20 A. Yes. Yes.

21 Q. Do you know the address?

22 A. Actually, she moved because it  
23 was a fire in the building. It's been over  
24 a year, you know.  
25

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1 M. GOMEZ

2 MR. YOUNG: Let me interject  
3 here. You're not following it  
4 because this Debra Lynn was a witness  
5 to Mario's assault, not this other  
6 fellow you're thinking about.

7 MS. SHERVEN: For the record  
8 obviously, Counsel's interjecting  
9 because he has knowledge to this.

10 Q. I'm just going to ask Mr.

11 Gomez, please, I'm just asking you right now  
12 witnesses to this other incident that you  
13 described to us.

14 MR. YOUNG: The Greenburgh  
15 false arrest deal.

16 Q. Just that. Nothing else.

17 A. To the other guy the false  
18 arrest. No. No. The guy who wanted to be  
19 witnesses was him. He wanted to come  
20 forward and be as a witness. That he also  
21 had a problem with Detective Quinoy, and he  
22 was willing to give his side of the story.

23 Q. Did anyone else tell you that  
24 they were a witness to his involvement and  
25 if they were willing to come forward about

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1 M. GOMEZ

2 that?

3 A. Oh, no, no, no. I  
4 misunderstood completely. I thought you  
5 were saying the whole thing.

6 MR. YOUNG: Well, that's the  
7 way the question was asked, but,  
8 okay.

9 Q. Because you brought up Debra  
10 Lynn, and this didn't have anything to do  
11 with this other gentleman and Detective  
12 Quinoy, what exactly is Deborah Lynn a  
13 witness to?

14 A. Debra Lynn is a witness to that  
15 she actually made a statement to Lieutenant  
16 Barry Campbell when he was doing his  
17 investigation, that she saw Detective Quinoy  
18 kick me in the face while I was sitting down  
19 cuffed behind my back inside the patrol car.

20 Q. How did you learn that she was  
21 a witness?

22 A. My criminal court attorney told  
23 me, and I don't know.

24 Q. Was that Angel Perez or someone  
25 else?

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1 M. GOMEZ

2 A. I think it was Angel Perez. I  
3 know that for a very long time. You know,  
4 Counsel --

5 MR. YOUNG: -- hold on. Hold  
6 on. Just stick to the question. How  
7 did you know that, and you gave your  
8 answer.

9 Q. Have you spoken with Miss Lynn  
10 about what she allegedly witnessed?

11 A. No.

12 Q. Had anyone else come forward  
13 either to you personally, a family member,  
14 or any of your attorneys to say that they  
15 were a witness to the events surrounding  
16 your arrest?

17 MR. YOUNG: He may not know  
18 what I'm privy to. Go ahead.

19 MS. SHERVEN: Obviously, this  
20 is all based on his knowledge.

21 A. There was a lady that lives  
22 right across the street, and her name is  
23 Rosa Negron, and her daughter also saw the  
24 incident. I can't remember her name. And I  
25 remembered after I came out of the jail, I

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1 M. GOMEZ

2 was walking around with my wife going to a  
3 doctor's appointment and we saw her. And  
4 she said anything that you need, I saw  
5 everything that happened.

6 And come to find out that about  
7 three months down the line, my wife saw her  
8 again, and she said, are you ready because  
9 it's getting ready? She said, no, I'm  
10 sorry. I'm not allowed to. I can't talk to  
11 you anymore.

12 And is from what I heard her  
13 uncle or one of her daughter had a problem  
14 with Detective Quinoy. And after they find  
15 out that she came forward, and she wanted to  
16 testify on my behalf. Somebody in the  
17 Sleepy Hollow Police Department must have  
18 said something to her and scare her, and now  
19 she's completely they don't want anything to  
20 do with it either. She already spoke to my  
21 attorney Angel Perez.

22 MS. SHERVEN: I move to strike  
23 the portion that's nonresponsive to  
24 the question.

25 Q. Did Miss Negron ever tell you

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M. GOMEZ

1 that someone has spoken to her or influenced  
2 her decision not to give information?

3 A. She told me actually that one  
4 time that I spoke to her that she didn't  
5 want to get involved, but I think she told  
6 my attorney, yes, that she had spoken to  
7 Detective Quinoy.

8 Q. Which attorney did she tell  
9 that to, a criminal attorney or someone  
10 else?

11 A. No, the criminal attorney, yes.

12 Q. With Mr. Perez or the attorney  
13 before him?

14 A. I think it was Mr. Perez,  
15 because I already knew that for a very long  
16 time that she started changing her mind.

17 Q. Anyone else tell you or any  
18 member of your family or your attorney so  
19 that you learned that someone else said that  
20 they were a witness to the events  
21 surrounding your arrest?

22 A. To the events. Well, my  
23 daughter had made a statement that during  
24 the time that I was in the cell, and my wife

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M. GOMEZ

1 was getting arrested, she was communicating  
2 on the cell phone with Detective Quinoy.

3 Q. I'm going to stop you there,  
4 because I'm asking you about any witnesses  
5 to the events 'cause your daughter wasn't  
6 there during that time, correct.

7 MR. YOUNG: No, but you may  
8 just want to listen to what he just  
9 said.

10 MS. SHERVEN: I want to get  
11 responsive answers to my questions.

12 Q. You're referring to when you  
13 said your daughter, you're referring to  
14 Haydee?

15 A. Yes.

16 Q. Was Haydee present at all  
17 during the events surrounding your arrest?

18 A. No. She came back to it.

19 Q. We'll come back to Haydee, but  
20 has anyone else told you or do you now know  
21 that anyone else was a witness to the events  
22 surrounding your arrest?

23 MR. YOUNG: Mind you, are you  
24 talking about an eye witness?

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M. GOMEZ

1 MS. SHERVEN: An eyewitness or  
2 anyone who may have seen or heard --

3 A. Yes, I got.

4 Q. -- to the incident?

5 MR. YOUNG: The assault not  
6 what happened.

7 A. I went to the incident.

8 Q. I'm going to stop you. Because  
9 I'm going to ask the question, because  
10 Counsel has injected into my question.

11 Has anyone told you that they  
12 either saw or heard the events surrounding  
13 your arrest on October 17, 2006, other than  
14 the two people, possibly three if you  
15 include the women's daughter, other than  
16 those three people, has anyone else told  
17 you?

18 A. Yes.

19 Q. Who else?

20 A. James Hayes.

21 Q. I'm sorry, what's the person's  
22 name?

23 A. James, Jimmy Hayes and Danny  
24 Hayes, Daniel Hayes.

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M. GOMEZ

1 Q. Are they related in some way to  
2 Officer Hayes and Lieutenant Hayes?

3 A. Yes, brothers. Brothers to  
4 Michael Hayes. I mean Mike Hayes.

5 Q. And their father is also  
6 Lieutenant Gabriel Hayes?

7 A. Yes.

8 Q. Are they police officers?

9 A. No. One is the Ambulance Chief  
10 and the other one is Assistant Fire Chief.  
11 And what happened is the police station is  
12 here.

13 Q. Okay, I'm going to stop you  
14 there, because I haven't asked you anything  
15 than what their jobs are essentially.

16 A. Okay.

17 Q. What did James Hayes tell you  
18 that he either witnessed or?

19 A. Well, he didn't see it from the  
20 start. He didn't witness it from the  
21 beginning for who threw the first blow or  
22 anything. He didn't see that. But he saw  
23 when I was on the ground, when I was getting  
24 kicked in the head, and when I was tased.

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M. GOMEZ

1 Q. Did he tell you that  
2 personally, or did someone else relay that  
3 information to you?

4 A. No. He told me that  
5 personally. He told also my criminal court  
6 attorney.

7 MR. YOUNG: You've answered the  
8 question.

9 Q. Did James Hayes say anything  
10 else to you or to your attorney about the  
11 events other than what you've just told us?

12 A. What do you mean about other  
13 events?

14 Q. Did he say anything else about  
15 this, about what he may have seen or heard?

16 A. No. He just say that he saw, at  
17 least, three-quarters.

18 Q. What about Danny Hayes? What  
19 did he tell you he saw or heard?

20 A. Basically the same thing as his  
21 brother.

22 Q. Were they together; if you  
23 know?

24 A. That's what I was trying to  
25

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M. GOMEZ

1 explain to you before. The police station  
2 is here, and right next to it is the fire  
3 station, and right next to it is the  
4 ambulance corps right in the same street.  
5 So, there were all within walking distance.

6 Q. Other than the individuals  
7 you've just told us about, anyone else come  
8 forward and told you or anyone on your  
9 behalf that they were witnesses to the  
10 actual events?

11 A. No, not that I can remember,  
12 no.

13 Q. So, the only witnesses that  
14 you're aware of are Debra Lynn, Rosa Negron,  
15 possibly her daughter?

16 A. And her daughter was also  
17 there. She definitely saw it.

18 Q. But you don't recall her  
19 daughter's name, right?

20 A. No, I can't remember right now.

21 MS. SHERVEN: If we leave a  
22 blank in the transcript, can you fill  
23 in the name of Rosa Negron's  
24 daughter.  
25

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M. GOMEZ

1 A. Yes, I have it written down.

2 MR. YOUNG: By the way, these  
3 are in our recent discovery.

4 Q. You just mentioned that you  
5 have it written down, do you have diary or  
6 something that you maintain?

7 A. No. No.

8 Q. Where do you have this written?

9 A. Where I live at.

10 Q. In a notebook?

11 A. No, basically in papers. I  
12 started writing notes and I keep it, and I  
13 got a folder.

14 MS. SHERVEN: I'm going to call  
15 for production of any handwritten  
16 notes. I believe they're encompassed  
17 in our demand, our interrogatories  
18 and demand for documents.

19 MR. YOUNG: I'm going to ask  
20 you to be specific here, because I  
21 don't think you're entitled to any  
22 private notes.

23 MS. SHERVEN: From what he said  
24  
25

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M. GOMEZ

1 so far, this does not raise any  
2 privilege, so I believe the demand  
3 speaks for itself. I believe we are  
4 entitled to it.

5 A. Well, Counsel --

6 MR. YOUNG: -- no. No. No.  
7 No. Stop.

8 Q. Any other witnesses other than  
9 who we've already talked about to these  
10 events, Debra Lynn, Rosa Negron, and her  
11 daughter, James Hayes or Danny Hayes, anyone  
12 else tell you or anyone on your behalf that  
13 they were a witness?

14 A. No, no, not that I can recall.

15 Q. Now, you testified earlier that  
16 Haydee came to the police station at some  
17 point in time; is that right?

18 A. Yes.

19 Q. Did you speak with her?

20 A. At that time?

21 Q. At that time.

22 A. No.

23 Q. Did your wife speak to her; if  
24 you know?  
25

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M. GOMEZ

1  
2 A. Yes.  
3 Q. Do you know what they spoke  
about?  
4 A. I have no idea.  
5 Q. At some point in time did you  
6 learn that Haydee had conversations with  
7 Detective Quinoy while she was at the police  
8 station?  
9 A. Yes.  
10 Q. What was that?  
11 A. When -- because after the  
12 arrest, my wife didn't get arrested at the  
13 same time, and she went -- was arrested and  
14 took me to the hospital. And she at that  
15 time she called my daughter and her cousin  
16 had took her to the hospital to get  
17 treatment.  
18 Q. Okay. Right now I'm just  
19 asking though about that conversation that  
20 Haydee may have reported either to yourself  
21 or to your wife, the conversation she had  
22 with Detective Quinoy?  
23 A. She had the conversation when  
24 they brought my wife to the hospital, from  
25

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M. GOMEZ

1 the hospital to the police station to ask  
2 about how can she get my car released.  
3 At that point, Detective Quinoy  
4 came out and arrest my wife. And during  
5 that time of the conversation, he was trying  
6 to communicate with my daughter on the cell  
7 phone. And my wife told him no, the battery  
8 is died, so you're not going to be able to  
9 talk to her. So, they were actually  
10 communicating, because my daughter told me  
11 that Detective Quinoy during the time that  
12 -- in the beginning of the incident when I  
13 was coming down that I was getting dressed  
14 and I was coming driving down, Detective  
15 Quinoy had called my daughter and told her,  
16 listen, I just had an argument with your  
17 dad, okay. He's coming down, and somebody's  
18 got to teach him a lesson. That was his  
19 exact words to my daughter.  
20 Q. How do you know that?  
21 A. Because my daughter told me.  
22 So, my daughter had already knew that I was  
23 on my way down to the police station and  
24 there was going to be no problems, you know.  
25

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M. GOMEZ

1 And I was going to be talking to him in a  
2 descent manner, never expecting that was  
3 going to happen.  
4 So, that mean, in my opinion  
5 that he had it premeditated that somebody  
6 has to teach him a lesson that sounds like  
7 aggressive words to me and fighting words.  
8 MS. SHERVEN: Move to strike  
9 the portions that were not  
10 responsive.  
11 Q. Right now we're only talking  
12 about the conversation that Haydee and  
13 Detective Quinoy may have had at the police  
14 station, whether it was on the phone or in  
15 person.  
16 What was the sum and substance  
17 of that conversation from what you've since  
18 then learned?  
19 A. The only conversation that I  
20 know or I can't remember now -- she talked  
21 to Detective Quinoy on the phone after that  
22 whole incident happened, he said, listen, I  
23 had to -- what happens I had pushed -- he  
24 didn't tell her -- I think I push a little  
25

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M. GOMEZ

1 bit your mom against the car. And she said,  
2 where is she? She's in the hospital. I  
3 mean she's going to go, but I don't know  
4 what's going to happen after that. This was  
5 before my wife went.  
6 There was a point that he said  
7 you arresting my mom, and he said, yeah, I  
8 have to arrest --  
9 Q. -- when you're saying "he", do  
10 you mean Haydee?  
11 A. No, he, Detective Quinoy.  
12 Q. He said you're going to arrest  
13 my mom?  
14 A. No. My daughter say it in a  
15 conversation. I can't remember the exact  
16 words, because she told me the story. I  
17 don't and I lost it. She said, you  
18 arresting my mom? He say, yeah, I have to  
19 arrest your mom. And then my daughter said,  
20 now, you're really fucked up. She told that  
21 to Detective Quinoy.  
22 That's pretty much. I'm just  
23 telling with different things, you know, a  
24 lot of parts that I have been forgetting  
25



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1 M. GOMEZ

2 because the medication that I got me, I'm  
3 forgetting a lot of things, Counsel, you  
4 know.

Q. Which medication?

6 A. The Topamax.

7 Q. You're telling me now, though,  
8 that this medication the Topamax is  
9 affecting your testimony?

10 A. No, not at all. I'm straight  
11 as an arrow. What I'm saying is sometimes  
12 it takes me a little time to put two and two  
13 together, to make it four. You know, I got  
14 to go around in circles a little bit.

15 MR. YOUNG: Off the record.

16 (Whereupon, a discussion was

17 held off the record.)

18 A. Counsel, I had another incident  
19 that where because remember Detective Quinoy  
20 was my neighbor, and I had another incident  
21 relating to Jimmy Warren and Detective  
22 Quinoy relating, the connection.

23 MR. YOUNG: There's a few more.

24 She's going to get to that.

25 Q. Was there anything else about

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1 M. GOMEZ

2 Haydee with her being a witness at all in  
3 this case, other than what you've just told  
4 us about?

5 A. Well, the only thing that I can  
6 you is that during the time of the arrest,  
7 that was I was already in the cells and my  
8 wife was being processed, they were  
9 communicating with each other on the cell  
10 phone back and forth.

11 Q. How do you know that they were  
12 on the phone? Is this something she told  
13 you, or did you learn that from someone  
14 else.

15 A. Yes.

16 Q. She told you?

17 A. Yes. She told me, and my wife  
18 saw her and finally her battery died down.

19 Q. Let's go back to the incidents  
20 that you began to describe as to why you are  
21 suing Chief Warren?

22 A. Yes.

23 Q. You had just started to talk  
24 about another incident?

25 A. Yes.

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1 M. GOMEZ

2 Q. What was that?

3 A. There was an incident with  
4 Detective Quinoy's wife with the first one  
5 she had a fight with another lady on the  
6 street on St. Patrick's Day parade. The  
7 lady was cut and she was jumped by Quinoy's  
8 wife and some of her friends and everything.  
9 And Chief Warren talked to the lady, and she  
10 retrieved the charges and nothing was done.

11 Q. Let me stop you there. Do you  
12 know when this incident was?

13 A. About three years ago, three  
14 years to four years because -- that's all.

15 Q. Do you know what the other  
16 woman's name is?

17 A. Quinoy's wife?

18 Q. No. The other woman?

19 MR. YOUNG: Who was jumped.

20 A. Oh, she used to be a dance  
21 teacher in YMCA. I forgot her name.

22 MR. YOUNG: Leave a blank.

23 Q. Do you know her name?

24 A. No. No.

25 Q. Is there anything, if we left a

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1 M. GOMEZ

2 blank in the transcript, would you be able  
3 to fill it in?

4 A. I'll try to get it. I don't  
5 know if I have it. I know she was a  
6 teacher, a dance teacher in the YMCA for  
7 quite a while. I don't know if she's still  
8 there. I don't know.

9  
10 Q. Just so I'm understanding you,  
11 is it your belief that this woman pressed  
12 charges on a police report against Detective  
13 Quinoy's wife?

14 A. Yes.

15 Q. Do you know what happened to  
16 that police report?

17 A. No, but I guess Chief Warren  
18 talked to the lady, and she dropped  
19 everything, and everything was squashed.

20 Q. Was Detective Quinoy's wife  
21 arrested?

22 A. No.

23 Q. As far as you know, there had  
24 been a Complaint?

25 A. Yes.

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M. GOMEZ

Q. But she had not been arrested?

A. Right.

Q. What leads you to believe that Chief Warren spoke to this other woman?

A. I don't have anything to confirm on that, but it couldn't have be anybody else except him, because you know I'm trying to put two and two together here. You know, with everything that's related to Detective Quinoy.

Q. This is your suspicion?

A. Yes.

Q. No one specifically told you that Chief Warren influenced this woman to drop the charges?

A. No.

Q. Now, you started to go onto another incident?

A. Yes.

Q. What is that?

A. That was during the time that he was my neighbor. He moved out from where I lived at about four years ago, no, three years ago. And his wife was going to

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M. GOMEZ

Westchester Community College, and she was talking to somebody else or something must have happened. Detective Quinoy got upset about it. Got mad, and they had a lot of family disputes and a lot of family -- what do you call when the police come to the house?

MR. YOUNG: Domestic issues.

A. Domestic issues, yes.

MS. SHERVEN: I'm going to object, though, to Counsel giving the witness any --

A. Domestic violence.

MS. SHERVEN: -- any added testimony, just based on your recollection.

A. No, I'm trying to come out with the right words, Counsel, because I don't want to throw any, you know, no good words in the testimony.

He had a lot of domestic issues and a lot of domestic violence during the time that he was my neighbor, because I know that for a fact.

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M. GOMEZ

Now, the incident I'm trying to get to. His wife was going to Westchester Community College. He got upset. He got jealous, and put the gun on his wife's head. His wife went to the Police Chief herself, and made out a complaint okay. And this was investigated by the County Police.

Q. How did you learn this information?

A. From people on the streets. I mean you got a lot of people that talking, you know, people on the streets.

Q. Who did Detective Quinoy's wife supposedly report this incident to?

A. To Chief Warren.

Q. Chief Warren?

A. Yes.

Q. Okay. When was this approximately?

A. Oh, at about everything is around three years, four years, two years, three years ago, three, three years ago, three or four years ago.

Q. Now, you said that the County

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M. GOMEZ

investigated?

A. Yes.

Q. Do you know what the results were?

A. I have no idea. It was swept under the table, under the rug also by Chief Warren.

Q. What leads you to believe that the Chief swept something under the rug in the way that you just testified?

A. Counselor, I don't think that just because he's a detective or a police officer that he had the right because he's in a jealous rage to put a gun on your wife's head.

I think that's something that he could have been reprimanded or he could get suspended from being off duty or.

Q. Do you have any evidence that the Chief swept this under the rug?

A. I don't have any evidence factual evidence, written papers.

Q. Or someone who told you that, any evidence?

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1 M. GOMEZ

2 A. The evidence is that you can  
3 check that yourself, because the County  
4 Police investigated, there has to be an  
5 entry on the County. And when they come up  
6 and the County Police came to the Sleepy  
7 Hollow Police Department.

8 Q. I'm going to stop you, because  
9 you're not answering my question. Do you  
10 have any evidence, though, that the Chief  
11 was somehow involved in some coverup in this  
12 incident, or is this just your suspension?

13 A. Well, I don't have any actual  
14 factual evidence, but I know that the only  
15 one that can make that determination to  
16 letting an officer continue working in the  
17 department after he makes such, you know,  
18 such a daily, you know, the putting the gun  
19 on the wife's head and threatening to kill  
20 her if she continues talking to that other  
21 guy, that's against the law.

22 MR. YOUNG: All right. All  
23 right. Look, they can draw their own  
24 conclusions. You've drawn those.  
25 Next question.

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1 M. GOMEZ

2 Q. Are there any other incidents  
3 that you believe shows why Chief Warren is  
4 named in this lawsuit, or that he did  
5 something wrong?

6 A. There's another incident that  
7 he failed to supervise, I got the cuttings  
8 -- well, it just came out in the Journal  
9 News. There was a police officer in Sleepy  
10 Hollow who was little bit of a loose cannon,  
11 and he got in problems. He got a transfer.  
12 He put a transfer to Mount Vernon.

13 During the time that he was in  
14 Sleepy Hollow, he got in a family domestic  
15 violence with his wife. The Family Court  
16 Judge issued an order to take his gun away  
17 until everything be resolved.

18 Chief Brown determined --

19 Q. I'm sorry. You're saying Chief  
20 Brown.

21 A. I mean not Chief Brown.

22 Q. Because Chief Brown is the  
23 Chief of Tarrytown, right?

24 A. I'm sorry.

25 MR. YOUNG: That's correct.

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1 M. GOMEZ

2 Q. So, you're not referring to  
3 Chief Brown?

4 A. No, no, of course, not.

5 Q. Who are you referring to?

6 A. Chief Warren. Jimmy Warren,  
7 yes.

8 Q. I didn't mean to interrupt you.  
9 I wanted to make sure the record is clear  
10 about who you're talking about.

11 A. Chief Jimmy Warren or James  
12 Warren, he's the officer in my town, and  
13 he's my friend, so I'm going to continue to  
14 allow him to carry that personal firearm.

15 That officer went to one of the  
16 restaurants in Hawthorne, or I forgot the  
17 name of the town. I know it's a little bit  
18 upstate. Got into a dispute with the  
19 manager of the restaurant and pulled a gun  
20 out on the manager.

21 The officer just got arrested  
22 for breaking somebody's jaw in Sleepy  
23 Hollow, because he lives in Sleepy Hollow,  
24 because after he cuffed the guy, he  
25 continued beating the guy down, because the

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1 M. GOMEZ

2 guy disrespected his daughter.

3 Q. Are you talking about the same  
4 police officer during these incidents?

5 A. Yeah. The same police officer  
6 that pulled the gun on the restaurant owner,  
7 he had got arrested recently because cuffed  
8 the other guy and knock him to the ground,  
9 and then broke his jaw, because the guy was  
10 saying some bad words to his daughter and  
11 disrespecting his daughter.

12 Because even though he works  
13 for Mount Vernon, he still lives in Sleepy  
14 Hollow. He's a personal friend of Chief  
15 Warren.

16 Q. Do you know this police  
17 officer's name?

18 A. I don't have -- I can't  
19 remember now. I got that article, and I got  
20 his name.

21 MS. SHERVEN: Okay. I'm going  
22 to ask that we leave a blank, and  
23 we'll call for his name, and we'll  
24 call for the production of these  
25 newspapers articles that you're

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M. GOMEZ

referring to.

A. \_\_\_\_\_.

Q. When was this, by the way?

A. At the restaurant that officer had was issued an order by the Family Court Order to take his gun away.

Q. When was that?

A. I have no idea, but that was prior. That's when he was a police officer in Sleepy Hollow.

Q. Now, did you learn this information from the newspaper article or some other source?

A. From some other source I think, but it was also in the newspaper article.

Q. Who was this other source where you learned --

A. -- friends, friends, I don't remember the name. Except no police officer. You meet so many people on the streets that I --

Q. Are there any other incidents that for which you believe that Chief Warren did something wrong and is being sued in

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M. GOMEZ

this case?

MR. YOUNG: May I remind him?

I mean you can find out now or later.

MS. SHERVEN: No, obviously, we'll have interrogatories. This is based on his.

A. It's a lot of things that I forget, Counselor, and he knows.

MR. YOUNG: You don't want to know about them, that's fine. I'm giving you an offer right now that obviously the medical records indicate that Mario as a result of this, has some memory issues. I am aware of other incidents. If you don't want me to tell them to you, I won't.

MS. SHERVEN: Counselor, are these incidents that Mario has told you about that you believe that he has forgotten?

MR. YOUNG: Apparently, yes.

MS. SHERVEN: How many other incidents are you relating to.

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M. GOMEZ

MR. YOUNG: Well, I can tell you there are at least two other ones, and each one I can mention one word, and it will probably refresh his recollection.

MS. SHERVEN: I mean I want to keep this clear, because this is not typically how depositions are conducted.

MR. YOUNG: I understand.

MS. SHERVEN: However, I do want to know all of the reasons, Mr. Gomez, for why you are suing Chief Warren individually, because we're not talking just about the Police Department, here. We're talking about these people as individuals.

MR. YOUNG: There are three other individuals.

MS. SHERVEN: So, if your Counsel can say in very brief terms.

MR. YOUNG: One word on each one. No. 1, barber shop.

A. Oh, yes. There was another

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M. GOMEZ

incident in the barber shop that Detective Quinoy went in with a couple of police officers. And he arrested and he destroyed the barber shop because he was cutting hair without a license.

Q. Is the proprietor of the store or the barber shop?

A. Right. And he destroyed everything, the mirror's was pushed. The guy dislocated his shoulder. The guy didn't want to pursue the charges. He talked to Jimmy Warren.

Q. Let me stop you there. Who are you referring to this time that destroyed the mirrors?

A. Detective Quinoy.

Q. You can continue.

A. And he dislocated his shoulder and everything. Also, when he fill out the arrest report, he didn't put his name down. He got the other police officer to put down that he had done everything and everything, you know. That was -- you know, Jimmy Warren was aware of that.

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M. GOMEZ

Q. When did this happen?

A. This happened recently about a year, a year.

Q. How did you learn this?

A. Because my friends told me.

That did not make the papers, because they got the guy who got his elbow dislocated, I don't know. I guess he didn't want to make any problems. He talked to Jimmy Warren. Everything was completely, you know, taken care.

Q. Who were the friends that told you this?

A. I had so many friends, Counsel, that told me. People that I don't even know the name. I'm having a lot of memory issues seriously. People come forward. They talk to me. Don't worry. Call me. And then if I don't write the names, I forgot who the number belongs to.

Q. Do you remember the name of any of the individuals who told you this information about this incident?

A. No.

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M. GOMEZ

Q. Do you know the name of the barber shop proprietor?

A. One of the guys that knew about it was my wife's attorney, because she was the one that told Awilda, and she told my wife about it.

Q. Which of your wife's attorneys?

A. Janet.

Q. The criminal attorney?

A. Yeah, the criminal, right.

Q. Anybody else, do you remember any of their names who told you this information or told your wife?

A. Oh, no, that's about it.

Q. What is the name of this man who owned the barber shop?

A. I have no idea.

Q. Do you know the name of the barber shop?

A. No. I just drive around.

Q. Do you know where it's located?

A. It's in Sleepy Hollow.

Q. Can you tell me the street?

A. In Cortlandt Street.

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M. GOMEZ

Q. Do you remember any other incidents?

A. Yes.

Q. Go ahead.

A. His name is Juni Torres.

Q. Juni?

A. Juni, yes, or something. He was a Village employee of Sleepy Hollow worked in the sanitation department, got into a problem with Detective Quinoy. Because he took the stop sign a little bit, and Detective Quinoy pull him over. And I don't know what words were exchanged. He cuffed him, and he broke his elbow and his wrist while he was cuffing him behind his back.

So, the guy lost his job due to that, because you can't be arrested and be a Village employee at the same time, and he put a lawsuit on Sleepy Hollow.

Q. When was this?

A. That's recently also, a year and a half, two years.

Q. Before or after your arrest?

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M. GOMEZ

A. No, a little bit before, not that long before, a little bit six, seven months before mine.

Q. How did you learn of this incident?

A. Oh, because I think he contacted me, that guy. After that, I never spoke to him again. And call me anytime you need something, but I never call him back.

MR. YOUNG: Off the record.

(Off-the-record discussion.)

Q. By the way, going back to the barber shop incident that you told us about, what leads you to believe that Chief Warren was aware of that incident or had any involvement in it?

A. Chief Warren is aware. It's a small Village. It's a small Police Department, and Chief Warren is aware of any arrests that is being made in that department.

Q. Has anyone told you that he had any involvement?

A. Chief Warren?



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M. GOMEZ

1 Q. Yes. Has anyone told you that  
2 Chief Warren had any involvement?

3 A. No, not really.

4 Q. What about in this incident  
5 with Mr. Torres; do you know what Chief  
6 Warren's involvement was, if any?

7 A. Well, it all started from the  
8 beginning, Counselor. By me saying that  
9 Chief Warren let Detective Quinoy do his job  
10 without impunity, without answering to  
11 anybody except him. Detective Quinoy is  
12 just it's a loose cannon. He pulled the gun  
13 on his wife head, nothing's done about it.  
14 He runs with absolute power in the Village.  
15 He doesn't have to answer to anybody.

16 That's what leads to me from  
17 the Chief. If the Chief allows you to do  
18 all those different actions, you know,  
19 there's no repercussions about it, that you  
20 can do whatever you want. You have nobody  
21 to put you in check. And that's what it  
22 leads to me, that everything has to do with  
23 Jimmy Warren. And I have another incident  
24 --  
25

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M. GOMEZ

1 Q. -- I'm going to stop you before  
2 you go onto any other incident. Do you have  
3 any specific evidence, though, of the  
4 Chief's involvement in this incident?

5 A. I have the specific evidence of  
6 -- there was a written letter given by Anna  
7 Barreo, the lady who passed away of  
8 Detective Quinoy being sexually harassed.

9 MR. YOUNG: No, she's talking  
10 about the barber shop.

11 A. Oh, no.

12 Q. You were going to go onto  
13 another incident.

14 A. Yes.

15 Q. What was that?

16 A. This recently happened after my  
17 incident. It happened August. And there  
18 was a sixteen-year old kid riding a bicycle  
19 in Sleepy Hollow in Cortlandt Street. And  
20 Detective Quinoy tell him to stop because he  
21 wanted to check that he had the right  
22 paperwork for his bicycle.

23 So, the kid, he's about fifteen  
24 or sixteen, he said, oh, no, this is my  
25

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M. GOMEZ

1 bike, and he started riding away, and he  
2 started cursing. So, Detective Quinoy and  
3 the police officer, which I don't remember  
4 his name. He's the one that transported me  
5 to the jail. Chase him down the street and  
6 knock him down, and Detective Quinoy order  
7 that, order the police officer to tase him.  
8 They tase the kid. They arrested him.

9 Then him being a minor, they  
10 have to give him medical treatment. There  
11 was a lot of commotion, a lot of the people  
12 in the street and Hispanic people. So,  
13 there was a big crowd in the street, and  
14 they were telling Quinoy, we know what  
15 happened. We know what you did.

16 And the Chief of Police came,  
17 Chief Warren. And the ambulance corps came,  
18 which is Jimmy Hayes, okay. And when Jimmy  
19 Hayes got there and Jimmy Hayes told Jimmy  
20 Warren we need this guy. He's a minor. We  
21 use a taser on him. We have to do a medical  
22 treatment.

23 Jimmy Warren said, this guy  
24 don't need to go anywhere except inside my  
25

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M. GOMEZ

1 cell, okay. And then he was blaming, when  
2 they started the investigation in the  
3 newspaper, he was blaming the Chief of the  
4 ambulance corps, which is James Hayes that  
5 he refused to take the kid to the hospital.  
6 And James Hayes said, no, you told me that  
7 this kid is not going anywhere. Where you  
8 need to take him is to my cell.

9 So, they put him in the  
10 ambulance to calm down the people who was in  
11 the street. They drove him around the  
12 block, took him to back of the police  
13 station. Detective Quinoy got in the  
14 ambulance and took those little spikes  
15 himself. When you got shot with the  
16 electric gun, that goes into your skin. And  
17 then they have to remove that with a pin  
18 setter. And Quinoy was the one that went  
19 and told the kid bend over, and with his  
20 hands took that out with his hands himself.

21 Q. Did you personally see any of  
22 this?

23 A. Oh, no, that was in the  
24 newspaper.  
25

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M. GOMEZ

1 Q. Other than reading it in the  
2 newspaper, do you learn any information from  
3 any other source?

A. No. No. No.

6 MR. YOUNG: Wait, let me just  
7 ask you a question.

8 (Whereupon, a discussion was  
9 held off the record.)

10 A. I had something else to add to  
11 that incident, Counsel, if you want.

12 Q. What did you have to add after  
13 speaking with your attorney?

14 A. That the kid's mother had a  
15 problem with Detective Quinoy also four  
16 years before that.

17 Q. How do you know this?

18 A. Because she goes to -- whenever  
19 we got Criminal Court, she goes to the  
20 courtroom and she talks to my wife.

21 Q. This is this sixteen-year old  
22 boy's mother?

23 A. Yes.

24 Q. Do you know her name?

25 A. No. I can't remember her name.

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M. GOMEZ

2 She told me about three or four times  
3 already, you know.

4 Q. If we leave a blank in the  
5 transcript, would you be able to fill in her  
6 name?

7 A. Sure.

9 And Quinoy was making a little  
10 bit of sexual advances on her, and she also  
11 stated to my wife that she went to the  
12 Police Department and put a complaint in.  
13 What happened after that, I have no idea.  
14 And all this is during the time that James,  
15 Jimmy Warren is a Police Chief.

16 Q. Any other reasons why you are  
17 suing Chief Warren other than what you've  
18 already told us about?

19 A. I'm suing Chief Warren for all  
20 those reasons, and also for him. Actually,  
21 I don't know if I should say that right  
22 word, not being honest with the evidence in  
23 trying to not doing the job that required of  
24 him as a Police Chief. And seeing because  
25 the Police Department is to serve and

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M. GOMEZ

2 protect the community. Not to kill and  
3 destroy the community. And he's covering up  
4 for Detective Quinoy up to the point that  
5 he's unbelievably tremendous with all these  
6 incidents. And that's the reason that I  
7 feel very strongly that he should be one of  
8 the main ones, one of ones on the top of the  
9 list in my opinion.

10 MR. YOUNG: Okay.

11 A. And --

12 Q. -- I haven't asked you a  
13 question at this point, okay.

14 A. Okay, I'm sorry.

15 Q. You said a minute ago and we  
16 can read back the testimony if I'm not  
17 recalling it correctly, that one of the  
18 reasons you were suing Chief Warren was for  
19 not being honest with the evidence; do you  
20 remember saying that?

21 A. Yes.

22 Q. What evidence were you  
23 referring to or what incident? Basically  
24 what I'm asking you, are you referring to  
25 something with your case or something not

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M. GOMEZ

2 related to your case?

3 A. Well, with my case in him  
4 covering everything up from the rest of the  
5 cases.

6 Q. What do you believe that Chief  
7 Warren has covered up in your case?

8 A. I had no specific proof that it  
9 was him, because the one that was assigned  
10 to the investigation was Lieutenant Barry  
11 Campbell, and I highly doubt that Lieutenant  
12 Barry Campbell is going to take a person  
13 who's going to give testimony out of his  
14 list.

15 The bottom line is Debra Lynn  
16 made a statement, and when my Criminal Court  
17 day that open findings the discovery about  
18 the witnesses that were there, that name  
19 should have been there. That name did not  
20 appear at all. I don't think that would  
21 have been able to be due process. That  
22 wouldn't have been able to be done without  
23 his approval in my opinion.

24 Q. But do you know that this  
25 person's name was left out intentionally

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M. GOMEZ

1 rather than by mistake?  
 2  
 3 A. Oh, of course, it had to be  
 4 intentionally, Counsel. The same thing with  
 5 the videotapes.

6 Q. What are you referring to with  
 7 the videotapes?

8 A. The videotapes were in front of  
 9 the Police Department are blurry. They  
 10 don't appear. You know, there should be  
 11 some videotapes from in front of the  
 12 building of the Police Department.

13 Q. Have you seen any video of this  
 14 incident?

15 A. No.

16 Q. What leads you to believe then  
 17 that if there is a video that it is, in  
 18 fact, blurry?

19 A. I'm referring to -- by the way,  
 20 the case was pushed out of Sleepy Hollow to  
 21 Greenburgh, and they didn't want it in  
 22 Sleepy Hollow, my case.

23 MS. SHERVEN: I move to strike.

24 A. I didn't say -- I'm sorry.

25 Q. Okay, we're talking just about

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M. GOMEZ

1 the video now.

2 A. Okay. The video, my wife's  
 3 lawyer and my criminal court attorney made a  
 4 --

5 MR. YOUNG: -- let's not talk  
 6 about what the other attorneys are  
 7 saying. That's privileged.

8 THE WITNESS: Okay.

9 Q. You said that you have not seen  
 10 any video, correct?

11 A. No.

12 Q. Has your wife seen any video?

13 A. No.

14 Q. Without going into details of  
 15 any conversation if this conversation was,  
 16 in fact, with your attorney, has anyone told  
 17 you that video exists but that it is blurry?

18 MR. YOUNG: I don't want you to  
 19 say anything about what your  
 20 attorneys told you, nothing.

21 THE WITNESS: Okay.

22 Q. You can answer the question.

23 MR. YOUNG: He can answer the  
 24 question unless it calls for him

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M. GOMEZ

1  
 2 imparting some information that was  
 3 told to him by one of his attorneys.  
 4 You know that.

5 MS. SHERVEN: Right, I'm not  
 6 asking. I believe my question was  
 7 very clear. I said that I'm not  
 8 seeking any privileged information.

9 MR. YOUNG: Can you answer that  
 10 question without referring to your  
 11 attorneys? The question is has  
 12 anyone told you --

13 THE WITNESS: No, no. What I  
 14 was going to say about the video it  
 15 was when my criminal court attorney  
 16 said --

17 MR. YOUNG: Then don't say  
 18 anything else.

19 Q. Did anyone else tell you that  
 20 there is a video, but that it is blurry?

21 MR. YOUNG: Anyone other than  
 22 attorney.

23 Q. Other than an attorney?

24 A. No.

25 Q. Are there any other reasons why

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M. GOMEZ

1 you are personally suing Chief Warren?

2 MR. YOUNG: You just asked me  
 3 one before.

4 MS. SHERVEN: Just not my  
 5 objection to Counsel reminding the  
 6 Witness.

7 MR. YOUNG: This is going to  
 8 come out as a surprise at trial. I  
 9 think I'm doing you a favor.

10 A. Also, they had to do with  
 11 everything that's going on in the Village.  
 12 There was an elections. That's why Sleepy  
 13 Hollow lost the privilege to do their own  
 14 elections. They got have County Inspectors  
 15 now. They had the Chief of Police counting  
 16 the votes. And he was on television. And  
 17 the machines -- they were tearing up the  
 18 paper, because he's very good friends with  
 19 the Mayor now.

20 So, what happens is they find  
 21 that when you have to present to the County,  
 22 that ballot was destroyed. Also, the  
 23 absentee ballots of the person who was  
 24 running against the Mayor now who's very

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M. GOMEZ

1 close friends with Jimmy, and they found it  
2 in the garbage. In the meantime, they  
3 opened for the Mayor, but the other ones you  
4 would find them in the garbage unopened.  
5 They means they got disregarded.

6 Going back to the Mayor and the  
7 Police Chief, there was an arrest made in  
8 one of the parties, and teenagers, eighteen,  
9 twenty, twenty-one.

10 And so they would find -- the  
11 police came, Sleepy Hollow. They found  
12 drugs marijuana, cocaine. When they  
13 arrested the kids, they said who brought the  
14 drugs? Mayor Cicherelli's son. Okay,  
15 nothing was done to the kid. The son of the  
16 Mayor was not arrested, and he was not  
17 properly charged. He was not even brought  
18 in to being questioned. They found a lot of  
19 cocaine, a lot of marijuana. The other kids  
20 were arrested. I don't think that's fair.  
21 Jimmy Warren's definitely. Would his  
22 connection with the Mayor have something to  
23 do with it.

24 Q. When is this incident that

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M. GOMEZ

1 you're referring to?

2 A. I got the police officer's name  
3 who did the investigation. I can't remember  
4 now.

5 Q. If we leave a blank for the  
6 police officer who investigated this, would you  
7 fill it in?

8 A. Yes. Yes.

9 Q. Is the police officer who you  
10 said investigated is he a Sleepy Hollow  
11 Police Department?

12 A. No. This is all Sleepy Hollow,  
13 No, this is all Sleepy Hollow, yes.

14 Q. When was this incident that you  
15 were just telling us about?

16 A. I got it written down.  
17 Probably a year, a year and a half. I have  
18 it written down.

19 Q. If we left a blank in the  
20 transcript for the approximate date, would  
21 that also be something you could fill in.

22 A. Yes.

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M. GOMEZ

1 Q. When you were mentioning  
2 earlier something about a voting machine,  
3 when was that?

4 A. That was in the last election,  
5 when Cicherelli was running very closely,  
6 and Jimmy Warren the Chief was counting the  
7 votes.

8 Q. Okay. I'm just asking you  
9 when.

10 A. I'm sorry.

11 Q. How did you learn that  
12 information about the voting?

13 A. Oh, that was in Channel 12 News  
14 and in the newspapers, also.

15 Q. Other than through the news,  
16 whether the newspapers or television, did  
17 you learn that information from any other  
18 source? Anyone tell you about it?

19 A. No. No.

20 Q. Now, this incident with the  
21 Mayor's son, how did you learn that  
22 information?

23 A. I learn it from a couple of  
24 friends.

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M. GOMEZ

1 Q. Who?

2 A. I can't remember their names  
3 right now.

4 Q. Were they members of the Police  
5 Department?

6 A. No.

7 Q. The police officer who's  
8 investigating that, have you spoken with him  
9 about that incident?

10 A. No.

11 Q. Is there any other reasons why  
12 you are personally suing Chief Warren?

13 A. I have the Clerk in Sleepy  
14 Hollow made a written formal complaint to  
15 the County, who does the investigation in  
16 the County -- the District Attorney about  
17 his phone being tapped. Jimmy Warren  
18 tapping the phones for the -- the phone  
19 being tapped.

20 Q. What does that have to do with  
21 your case?

22 A. No, I'm not saying. Everything  
23 that is what I'm making a big thing. The  
24 same thing with the FBI investigation that's  
25

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1 M. GOMEZ

2 going on now. What I'm making a big circle  
3 is going around to everything is connected  
with Jimmy Warren. One things goes back in  
circles and leads to the other. If he would  
6 have done his job properly in my opinion as  
7 an Chief and put a stop to that officer, it  
8 would have been a lot of all the incidents  
9 that could have been avoided. That's what I  
10 was referring to. That everything is  
11 connected, Counsel.

12 Q. Any other reason why you are  
13 personally suing Chief Warren?

14 A. Not that I can remember  
15 anymore.

16 Q. You've also named Detective  
17 Quinoy --

18 A. Yes.

19 Q. -- in this action? Why do you  
20 sue him personally? We're talking again  
21 about these individuals as individuals  
22 versus suing just the Village of Sleepy  
23 Hollow, so why sue him individually?

24 A. Well, I'm suing him  
25 individually for what he did to me. What he

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1 M. GOMEZ

2 also did to -- I don't know if I should put  
3 my wife in this?

4 MR. YOUNG: No. That's her  
5 claim. Well, actually, you have part  
6 of that claim, also, so.

7 A. You know, for not I shouldn't  
8 have said. It's not his friends don't have  
9 anything to do with it. Because the guy  
10 almost killed me, and he failed to do his  
11 job properly as a detective, as a police  
12 officer. It was unnecessary. It was a  
13 tremendous amount of excessive use of force  
14 and I got almost killed.

15 Q. Just generally what type of  
16 injuries did you sustain as a result of  
17 this?

18 MR. YOUNG: This is immunity,  
19 go ahead.

20 Q. Let me ask the question another  
21 way. You sustained injuries as a result of  
22 this?

23 A. Yes.

24 Q. Or you're alleging that you  
25 sustained injuries. What injuries are you

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1 M. GOMEZ

2 alleging that Detective Quinoy, himself,  
3 personally caused?

4 A. Well, the bashing of my head,  
5 the electricity, the punches, being kicked  
6 after I was already cuffed, which is  
7 definitely against any law enforcement  
8 agency. After you get cuffed behind the  
9 back, it's over. And for the abuses  
10 physically and actually emotionally for me  
11 being chased and followed by the Sleepy  
12 Hollow Police Department whenever I have to  
13 go to Sleepy Hollow. And my daughter being  
14 followed late at night. And all these  
15 mental -- not mental -- how do you call that  
16 -- stress situation that I have been in  
17 myself and my family. He's actually  
18 responsible for all, everything.

19 Because if he would have talked  
20 to me as a person, hey, Mario, come on. We  
21 knew each other for a long time. Nothing  
22 happened. Don't worry about it. It would  
23 have been over. It would have definitely  
24 been over, because I was not looking for any  
25 problem.

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1 M. GOMEZ

2 I already knew what was going  
3 on with my daughter over a week and a half  
4 ago, and I never went to chase him or look  
5 for him.

6 MR. YOUNG: Okay, all right.

7 Q. Any other reason why you're  
8 suing him individually other than what  
9 you've already told us?

10 A. No, that's pretty much it.

11 Q. What about Officer Ebel; why  
12 are you suing him personally?

13 A. Ebel just like Quinoy, he  
14 almost killed me, and that was after I was  
15 already cuffed. They did a very improper  
16 arrest. That was not an arrest. That was a  
17 gang fight. And the disrespect for me, for  
18 my family, not only for me.

19 I identified myself of being a  
20 retired law enforcement, and he say fuck  
21 this department. This is Sleepy Hollow  
22 Police, like, it's supposed to be a high  
23 school fight. That's very much a reason  
24 why, and he almost killed me.

25 He was just as bad as Detective



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1 M. GOMEZ

2 Quinoy when it came down electricity and  
3 kicking my head, and putting a lot of  
4 physical damage in my body.

Q. When you just said damage to  
6 your body, what damage to your body are you  
7 specifically referring to that Officer Ebel  
8 caused?

A. Well, it was basically both  
10 damages run together. That Detective Quinoy  
11 and Ebel did to me, they did it together.  
12 So, I was in crutches. I had to go two or  
13 three times to the emergency room due to the  
14 bad headaches that I had. And I had the  
15 worst headaches in my life for almost four  
16 months after the fact.

I was sent to jail with no bail  
18 for seven, eight days, no bail, like, one of  
19 the worst criminals. I don't think --

Q. I'm going to stop you there  
21 concerning bail. I'm just asking you about  
22 now injuries that you allege that Officer  
23 Ebel caused?

MR. YOUNG: Well, this is all  
25 part of an arrest and being sent to

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1 M. GOMEZ

2 being provoked, okay. Because I have to  
3 drive through Sleepy Hollow to go to Phelps  
4 Memorial Hospital. I have to cut through  
5 there. So, if I have to go to my doctor's  
6 office to the neurologist, he has an office  
7 in Sleepy Hollow and Ossining, so I have to  
8 drive in Sleepy Hollow even if I don't want  
9 to. So, Ebel's involved in that. That's  
10 the reason I'm suing him also.

Q. Now, you mentioned bail. What  
12 is your understanding as to how Officer Ebel  
13 was involved in the bail that you got?

A. No. He was not involved in  
15 that. I shouldn't have said that. It was  
16 just, I don't know I was trying to be a  
17 little -- you know put everything together.  
18 You know, and everything that it had caused.

Q. Were any police officers  
20 involved to your understanding concerning  
21 when you were given bail?

MR. YOUNG: I'm going to object  
23 to the form of that question. I  
24 don't know what that means.

Q. Do you understand my question,

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1 M. GOMEZ

2 jail.

MS. SHERVEN: We're talking  
4 about physical injuries. We're not  
5 talking about bail.

MR. YOUNG: Okay. You didn't  
7 say that.

A. Listen, on crutches for a week.  
9 Taking medication up to this point for  
10 headaches. If I leave that medication, no  
11 other the pills can control those headaches.  
12 And it's been over a year, and I'm still  
13 taking medication. I was on crutches for a  
14 week. My right leg, it got very bad. I  
15 lost weight.

Being followed by Officer Ebel,  
17 okay, around town, me and my friends we were  
18 followed by him very closely while he was  
19 talking on the radio and checking his  
20 license plate on the computer, it was him.  
No, that's not physical. Sorry.

I mean, but I'm throwing  
23 everything in there altogether. All the  
24 harassment, all that. Every time he sees  
25 me, he was following me around town, and

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1 M. GOMEZ

2 Mr. Gomez?

A. Well, no, my Counsel objected  
4 so.

Q. He says he doesn't understand.  
6 Do you know what I'm asking?

A. If I was think they were  
8 playing any type of games?

Q. All right. Let me rephrase the  
10 question then. Are you alleging that any of  
11 the police officers had any involvement in  
12 the timeframe in which it took for you to  
13 obtain bail?

A. Yes.

Q. Who are you alleging?

A. I'm not saying -- I couldn't  
17 say. I was brought in from the shock, only  
18 because they had to print my wife. They  
19 refused to give me water for almost three  
20 hours. I was put in the cell. Then in the  
21 morning they got me up. You're going to see  
22 the Judge. It was 6:30 in the morning.

The two officers that were  
24 escorting me were there. I had already  
25 spoken to Detective Chuck Sica. He had

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M. GOMEZ

1 printed me. He grew up with me. I had  
2 already spoken to Barry Campbell.

Now, once I'm getting

transported to the jail, they take me to the  
6 courtroom. The Judge you're been charged  
7 with this, this, this, this. And when I  
8 said, Your Honor. Don't open your mouth.  
9 And the reason I cannot give you bail,  
10 because I don't have your commitment papers,  
11 so I can't give you any bail for that. I  
12 said, okay.

I go in, and, okay, they  
14 shackle me up. When I go to the squad car,  
15 the two officers the driver and the one  
16 giving me the escort. Officer Bennitas said  
17 do you have the commitment papers. And the  
18 other officer said, yes, it's here.

They had it all the time in the  
20 squad car. They never gave the commitment  
21 papers to the Judge. That way they know  
22 that if the Judge don't have commitment  
23 papers, she can't set bail on me. So,  
24 that's why I know they were playing games.  
25 That was done intentionally.

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M. GOMEZ

1 Q. Who were those officers that  
2 you believe were involved in that?

3 A. Counsel, I'm going to be honest  
4 with you, that decision couldn't have come  
5 from those two officers.

6 Q. No, but I'm asking who are  
7 those two officers.

8 A. The one that transported me.

9 Right, what were their names?

10 Officer Tony Bennitas, and it's  
11 in the newspaper, because he's the one that  
12 tasered the sixteen-year old kid. He was  
13 the one that took me to the County Jail the  
14 next morning.

15 MS. SHERVEN: I'm move to  
16 strike the portion that's not  
17 responsive.

18 Q. You said two police officers?

19 A. Yes.

20 Q. Do you know the name of the  
21 other police officer?

22 A. I have no idea, but I was  
23 telling you he was the one that was involved  
24 with officer Quinoy in the tasing of the

M. GOMEZ

1 sixteen-year old kid a few months ago, so I  
2 don't know.

3 Q. Just so I'm clear, because I  
4 think I misunderstood you then. Was Officer  
5 Bennitas involved in that other incident, or  
6 were you saying Officer Bennitas and this  
7 officer who was involved?

8 A. No, the officer who I don't  
9 remember his name, that's the one that was  
10 involved in tasing the sixteen-year old kid.  
11 I know him by face, but I can't remember his  
12 name.

And Bennitas asked the other  
14 officer, do you have the commitment paper.  
15 He said, yeah. It was under the visor.  
16 They had it in there all the time. They  
17 didn't give it to the Judge. That way they  
18 know if I go with no commitment papers, she  
19 couldn't set bail on me. They wanted me to  
20 go eight days without bail.

21 Q. Did anyone specifically tell  
22 you that they did not give the commitment  
23 papers to the Judge for that reason, or is  
24 this something, your suspicion?

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M. GOMEZ

1 A. Counsel, I was a Correction  
2 Officer for over close to twenty years in  
3 New York City. I know every Corrections is  
4 inside and the police is outside. Every  
5 trick in the book that you can --

6 Q. But I'm asking you, did anyone  
7 specifically tell you that?

8 A. No, nobody told me that  
9 personally, but I know that was done  
10 specifically for that.

11 Q. How much time passed until you  
12 actually saw the Judge?

13 A. I was printed, and I would  
14 think it was about early 7:00 o'clock, a  
15 little bit before 7:00.

16 Q. Let me ask you that another  
17 way. How much time passed from that time  
18 you went to see the Judge and she said she  
19 couldn't set bail because of no commitment  
20 papers until bail was set?

21 A. Oh, they set bail on my first  
22 Court date.

23 Q. How much time passed?

24 A. About seven or eight days I was  
25

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M. GOMEZ

1  
2 in jail. I was in the county jail, yes.

3 Q. Do you know why so much time  
4 passed? In other words, why you couldn't  
5 see the Judge the next day or some other  
6 day?

7 A. No, I had no idea.

8 Q. Now, the last police officer  
9 that you have sued individually is Officer  
10 Michael Gasker. Why did you sue him  
11 personally?

12 A. Because Officer Michael Gasker  
13 was involved in the incident. He put the  
14 electricity in me quite a few times. He was  
15 involved with Detective Quinoy and that is a  
16 reason that I'm basically putting his name  
17 down.

18 Q. Any other reason?

19 A. He was there in the courtroom  
20 in the morning, and 7:00 o'clock in the  
21 morning, he was still there.

22 Q. Are you talking about the first  
23 time you saw the Judge or the second time?

24 A. I only saw the Judge one time,  
25 and I'm talking about before I went to jail.

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M. GOMEZ

1 I saw the Judge again after, on the next  
2 Court date after I came back from jail.

3 Q. So, we're talking about that  
4 first time?

5 A. The first time, he was still  
6 there. He knew -- he more or less has to  
7 know what was going on. And I'm not saying  
8 that he was directly involved, but he knows  
9 what was going on. And if you're a police  
10 officer, you got the right to say this is  
11 not right. Even if it's his supervisor, I  
12 don't think I'm going to be part of this.  
13 And if he was part of that, that means that  
14 he was involved in all the situation that  
15 happened.

16 Q. Any other reason you're suing  
17 Officer Gasker?

18 A. No. He --

19 Q. Did you want to add something?

20 A. Yes.

21 Q. Okay, go ahead.

22 A. At the beginning, at the  
23 beginning it's been over a year, so it's a  
24 long time, he was very no problems, but

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M. GOMEZ

1 lately when I had seen him a few times in  
2 town, he has been -- I was giving my dad a  
3 ride to the hospital for an MRI, and I would  
4 say that was a month and a half ago. And  
5 Officer Gasker cut very abruptly in front of  
6 me. He knows my truck, so I don't know if  
7 he's looking for me to -- I don't know to do  
8 something stupid or come out or say  
9 something, and that's pretty much it. He  
10 was not that way before. But when I see him  
11 lately, he's been giving me like very  
12 aggressive looks, like, dirty looks to see  
13 if I'm going to respond in any type of  
14 manner. You know, I guess it's all my --

15 But he was not doing that  
16 before in the beginning. He's just  
17 beginning to act this way at the end, right  
18 now, the last couple of months.

19 Q. And that is after -- just so  
20 we're clear of this incident you're just  
21 describing, that was after you named him in  
22 the lawsuit?

23 A. Oh, yes.

24 Q. Recent?

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M. GOMEZ

1 A. Yes, this is just recent. I  
2 think this is after the FBI investigation.  
3 The FBI opened an investigation on the  
4 Sleepy Hollow Police Department.

5 Q. Have you spoken with anyone  
6 from the FBI concerning this incident?

7 A. Yes.

8 Q. Who have you spoken with?

9 MR. YOUNG: I'm going to direct  
10 him not to answer.

11 THE WITNESS: Okay.

12 MR. YOUNG: There's an ongoing  
13 FBI investigation, and I have been  
14 told that he is not to speak to  
15 anybody but the FBI about this.

16 THE WITNESS: Sorry, I didn't  
17 know.

18 MR. YOUNG: You can take your  
19 chances. You want to call the Judge  
20 and interfere in an FBI  
21 investigation.

22 MS. SHERVEN: Counsel, if you  
23 can allow me to respond before you  
24 jump the gun, here.

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1 M. GOMEZ

2 MR. YOUNG: Go ahead.

3 MS. SHERVEN: I'm not sure what  
4 you're referring to that the FBI has  
5 told him not to speak to anyone about  
6 this. If you're referring  
7 specifically to his conversations  
8 with him or about this incident.

9 Obviously, if you're trying to say  
10 that he's not supposed to be  
11 testifying today, I'm not sure  
12 exactly where you're going with that,  
13 because obviously this deposition was  
14 ordered by Judge Bryant and I don't  
15 believe that the FBI has issued an  
16 order or has gotten another Judge to  
17 issue an order saying that we cannot  
18 proceed with this deposition today.

19 If you're simply referring to  
20 the contents of any conversations  
21 that Mr. Gomez may have had with an  
22 investigator then, you know, I'll ask  
23 you on the record and off the record  
24 to provide us with the names of any  
25 individuals, and I won't ask any

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1 M. GOMEZ

2 individuals from the FBI that you  
3 have had contact with, and I'm not  
4 going to ask questions substantively  
5 at this time during this deposition  
6 concerning Mr. Gomez's involvement in  
7 the FBI investigation.

8 MR. YOUNG: So, what are you  
9 looking for?

10 MS. SHERVEN: So, if you can  
11 provide me with the name. That's all  
12 I was asking was who the name was of  
13 the FBI investigator. That's the  
14 only question I had asked.

15 MR. YOUNG: I will provide you  
16 with that at a later date. I don't  
17 have it off the top of my head. My  
18 understanding was it was a female.

19 MS. SHERVEN: Is it your  
20 understanding that the FBI doesn't  
21 want him to speak about this incident  
22 or about the substance of his  
23 conversations with them?

24 MR. YOUNG: Let's see. Let's  
25 see. You represent the Village of

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1 M. GOMEZ

2 Sleepy Hollow. There is a Justice  
3 Department and FBI investigation into  
4 that department. I don't really  
5 think that the FBI would like Mario  
6 to share the fruits of their  
7 investigation with you as their  
8 attorney.

9 MS. SHERVEN: My question was  
10 merely, without you needing to go  
11 into any type of qualification of it,  
12 my question was merely if it was your  
13 understanding that he was not allowed  
14 to speak about this incident, which  
15 was the subject of this deposition  
16 today, or merely about the content of  
17 the investigation.

18 MR. YOUNG: Well, let's see.  
19 He's just spoken for the last several  
20 hours about the incident here.

21 MS. SHERVEN: Well, you're the  
22 one who made this record, so I'm just  
23 trying to make sure that you're not  
24 going to say at some future date  
25 that, oh, he was not supposed to

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1 M. GOMEZ

2 testify about the contents of this  
3 case.

4 MR. YOUNG: I mean if I say  
5 that, I say that. We'll deal with it  
6 at a later date.

7 While we are on the subject,  
8 though, I would just like to say I  
9 know your office conducted two days  
10 of 50-h Hearings prior to this. And  
11 under the applicable case law, the  
12 transcripts of those hearings are  
13 private. You may use them for  
14 purposes of your investigation to  
15 defend the civil lawsuit, but the  
16 contents of those 50-h Hearings are  
17 not to be shared with any other  
18 parties. And I am going on the  
19 record now that if, and your office  
20 is the only one that has them other  
21 than my office, if they are shared  
22 with any third-parties that opens up  
23 the publication, people who publish  
24 it, to serious issues, damages, and  
25 Bar Association issues.

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MS. SHERVEN: I believe at 50-h  
Hearing will speak for itself, and it  
is neither here nor there for this  
deposition.

MR. YOUNG: Yes.

MS. SHERVEN: All right, I have  
no further questions at this time.

MR. YOUNG: Okay.

(Time noted 3:05 p.m.)

MARIO GOMEZ

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

Notary Public

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## C E R T I F I C A T E

STATE OF NEW YORK )  
)ss.:  
COUNTY OF WESTCHESTER)

I, NANCY P. TENDY, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That MARIO GOMEZ, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me, and that such  
deposition is a true record of the testimony  
given by the witness.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage, and that I am in no  
way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 22nd day of  
February, 2008.

NANCY P. TENDY  
SHORTHAND REPORTER

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## REQUESTS

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## ERRATA SHEET

The following corrections, additions  
or deletions were noted on the transcript of  
the testimony which I gave in the  
above-captioned matter held on 2/14/08:

Page\_\_\_\_Line\_\_\_\_SHOULD READ:\_\_\_\_\_

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MARIO GOMEZ

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

Notary Public